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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/836,135	04/16/2001	Yasushi Hosono	MM4424	5811

1109 7590 12/08/2005  
ANDERSON, KILL & OLICK, P.C.  
1251 AVENUE OF THE AMERICAS  
NEW YORK,, NY 10020-1182

EXAMINER

HINDI, NABIL Z

ART UNIT PAPER NUMBER

2656

DATE MAILED: 12/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/836,135

Applicant(s)

HOSONO, YASUSHI

Examiner

NABIL Z. HINDI

Art Unit

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3,4 and 6 is/are allowed.
- 6) ☒ Claim(s) 2 and 5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

Art Unit: 2655

In response to applicant's amendment dated November 23, 2005. The following action is taken:

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshida et al (5764610) in view of Ito et al (6243340)

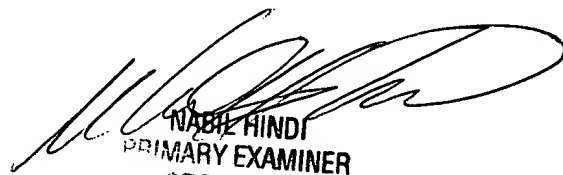
The examiner interprets the limitation "computer data" as any data recorded on a disk since data recorded on a disk is merely ones and zeros. The examiner further interprets the limitation as DVD-ROM of non-altered, non-erasable, and non-rewritable. The reference shows an optical disk distinguishing apparatus comprising: a directory information reading means for reading the disk type from the inherently present TOC information on the disk (steps 501-504), second determining means 8 for determining if "computer data" is recorded on the disk (the reference shows whether the DVD present is a DVD-R or a DVD ROM format as cited in steps 406 and 410. The apparatus having a disk rotational control 6, 13 and 14 based on the DVD type in addition to the CD types meeting the claimed invention. However the reference is not drawn to a DVD having a standard ISO9660 or UDF file. The secondary reference as shown in figs 8 and 10 shows the use of a directory files recorded in ISO9660 and/or UDF file for the purpose of having a versatile optical disk reading apparatus using a standard logical structure. It would have been obvious to one skilled in the art at the time the invention was made to

use the teachings of the secondary reference and modify the system of the primary reference. Such modification of using a UDF or ISO9660 format is merely a standard logical structure for recoding DVD data.

Claims 1,3 4, and 6 are allowed.

Applicant's arguments with respect to claims 2 and 5 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication should be directed to NABIL Z. HINDI at telephone number (571) 272-7618.



NABIL HINDI  
PRIMARY EXAMINER  
GROUP 2500  
2656